

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MATILDE GATTONI,
Plaintiff,

- against -

COX MEDIA GROUP, LLC
Defendant.

Docket No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Matilde Gattoni (“Gattoni” or “Plaintiff”) by and through her undersigned counsel, as and for her Complaint against Defendant Cox Media Group, LLC, (“Cox” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of two Photographs of a villagers in Fuvemeh, Ghana, owned and registered by Gattoni, a Milan based award-winning photojournalist. Accordingly, Gattoni seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or are doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Gattoni is an award winning French and Italian photojournalist. Gattoni's work covers social, environmental and human rights issues all around the world. Gattoni founded the agency Tandem Reportages with the aim to produce independent, in-depth stories on relevant contemporary issues such as mass exploitation of natural resources and the relationship between mankind and the environment. Her work has been exhibited at the European Parliament in Brussels, The Backlight Festival in Tampere, and The Annenberg Space for Photography in Los Angeles. She has won numerous awards including the Black and White Spider Awards, the International Colors Awards, The Pilser Urqeel International Awards and many more. Gattoni has a place of business at Via Botticelli 22 Milan, Italy 20133.

6. Upon information and belief, Cox is a limited liability corporation duly organized and existing under the laws of the State of Delaware, with a place of business at 555 Sunrise Highway, West Babylon, New York 11704. At all times material hereto, Cox has owned and operated a website at the URL: www.MyStateMan.com (the "Website").

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Photographs

7. On October 21, 2016, Gattoni Photographed villagers in Ghana (the "Photographs"). A true and correct copy of the Photographs are attached hereto as Exhibit A.

8. Gattoni is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyright thereto.

9. The Photographs were registered with the United States Copyright Office and given Copyright Registration Number VA 2-022-336.

B. Defendant's Infringing Activities

10. Upon information and belief, Cox ran an article on the Website entitled *West Africa is Being Swallowed by The Sea*. See <http://www.mystatesman.com/news/world/west-africa-being-swallowed-the-sea/kiZSSwz1j5KYA3lHv9X1uJ/>. The article prominently featured the Photographs. A true and correct copy of the article is attached hereto as Exhibit B.

11. Cox did not license the Photographs from Plaintiff for its article, nor did Cox have Plaintiff's permission or consent to publish the Photographs on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST COX)
(17 U.S.C. §§ 106, 501)

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Cox infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photographs on the Website. Cox is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Cox have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

17. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Photographs, pursuant to 17 U.S.C. § 504(c).

18. Plaintiff further is entitled to her attorney's fees and full costs pursuant to 17 U.S.C. § 505.

19. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Cox be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505.
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
March 16, 2017

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